

REMARKS

Favorable reconsideration of the application is respectfully requested in light of the amendments and remarks herein.

Upon entry of this amendment, claims 1-10 and 12-13 will be pending. By this amendment, claim 11 has been canceled; claims 1, 7-9, and 12-13 have been amended. No new matter has been added.

§112 Rejection of Claim 11

In Section 3 of the Office Action, the Examiner has rejected claim 11 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Claim 11 has been canceled, thereby obviating this rejection.

§ 103 Rejection of Claims 1, 5-8, 12, and 13

In Section 5 of the Office Action, the Examiner has rejected claims 1, 5-8, 12, and 13 under 35 U.S.C. §103(a) as being unpatentable over Shiga *et al.* (U.S. Patent 6,005,562; hereinafter referred to as "Shiga") in view of Kinghorn (U.S. Patent 6,192,187). Claims 1, 7-8, and 12-13 have been amended to address the rejection.

In the Background section of the Specification, it was disclosed that "even if attempts are made to enter a new broadcast program while recording is being performed, the new broadcast program cannot be entered into the recording management information and retrieval at later time cannot be performed" *Background of the Specification, page 2, lines 8-12.*

To solve this problem, embodiments of the present invention include method and apparatus for broadcast program recording using EPG data "in which entering a new broadcast

program into recording management information can be performed even if a broadcast program is being recorded.” *Specification, page 2, lines 16-19*. For example, the structure of a broadcast program recording apparatus in claim 1, as presented herein, includes:

“a *tuner section* for receiving a current broadcast program containing broadcast program information;

an *EPG decoder section* for decoding the received broadcast program information to output the EPG data, which includes a current time and a broadcast program start time;

a *controller* configured to extract recording management information from the decoded EPG data, wherein said controller compares the current time with the broadcast program start time, outputs a match signal in response to substantial coincidence of time between the current time and the broadcast program start time, and enters a new broadcast program into said recording management information when the match signal is output so that the new broadcast program can be entered into the recording management information even when said controller is already managing recording of the current broadcast program; and

a *recording section* for recording the current broadcast program using the recording management information.”

(emphasis added)

Therefore, the broadcast program recording apparatus of claim 1 enables entering a new broadcast program into the recording management information when there is a substantial match between the current time and the broadcast program start time so that the new broadcast program can be entered into the recording management information even when the controller is already managing recording of the current broadcast program. Accordingly, “it is possible to enter the new broadcast program without a user having to perform a special operation, thereby improving the ease of operation.” *Specification, page 3, lines 16-18*.

In Section 5 of the Office Action, it is indicated that Shiga fails to explicitly disclose that the controller enters a new broadcast program into the recording management information when

match signal is output. Further, it is indicated that Kinghorn teaches video recorders, including arrangements for locating desired contents on a video tape wherein if a new recording is made, the contents of the index RAM are updated with the positions and duration, at which time the tape is made to wind back to the beginning and then write the new contents data on the tape automatically.

Accordingly, it is maintained that Shiga and Kinghorn, in combination or individually, fail to teach or suggest enabling entering a new broadcast program into the recording management information when there is a substantial match between the current time and the broadcast program start time so that the new broadcast program can be entered into the recording management information even when the controller is already managing recording of the current broadcast program.

Based on the foregoing discussion, claim 1 should be allowable over Shiga and Kinghorn. Since claims 8, 12, and 13 closely parallel, and include substantially similar limitations as, claim 1, claims 8, 12, and 13 should also be allowable over Shiga and Kinghorn. Further, since claims 5-7 depend from claim 1, claims 5-7 should also be allowable over Shiga and Kinghorn.

Accordingly, it is submitted that the Examiner's rejection of claims 1, 5-8, 12, and 13 based upon 35 U.S.C. §103(a) has been overcome by the present remarks and withdrawal thereof is respectfully requested.

§ 103 Rejection of Claims 2 and 9

In Section 6 of the Office Action, the Examiner has rejected claims 2 and 9 under 35 U.S.C. §103(a) as being unpatentable over Shiga in view of Kinghorn and further in view of

Contolini *et al.* (U.S. Patent 6,643,620; hereinafter referred to as "Contolini").

Based on the foregoing discussion regarding claims 1 and 8, and since claims 2 and 9 depend from claims 1 and 8, respectively, claims 2 and 9 should be allowable over Shiga and Kinghorn.

Further, it was indicated that Contolini teaches a voice controlled system for recording and retrieving audio/video program. Thus, Shiga, Kinghorn, and Contolini, in combination or individually, fail to teach or suggest enabling entering a new broadcast program into the recording management information when there is a substantial match between the current time and the broadcast program start time so that the new broadcast program can be entered into the recording management information even when the controller is already managing recording of the current broadcast program.

Therefore, claims 2 and 9 should be allowable over the combination of Shiga, Kinghorn, and Contolini.

Accordingly, it is submitted that the Examiner's rejection of claims 2 and 9 based upon 35 U.S.C. §103(a) has been overcome by the present remarks and withdrawal thereof is respectfully requested.

§ 103 Rejection of Claims 3, 4, and 10

In Section 7 of the Office Action, the Examiner has rejected claims 3, 4, and 10 under 35 U.S.C. §103(a) as being unpatentable over Shiga in view of Kinghorn and further in view of Yuen *et al.* (U.S. Patent 6,608,963; hereinafter referred to as "Yuen").

Based on the foregoing discussion regarding claims 1 and 8, and since claims 3-4 and 10 depend from claims 1 and 8, respectively, claims 3, 4, and 10 should be allowable over Shiga

and Kinghorn.

Further, it was indicated that Yuen teaches a video tape indexing system in which program broadcast identification information is entered into the system for use in recording the program. Thus, Shiga, Kinghorn, and Yuen, in combination or individually, fail to teach or suggest enabling entering a new broadcast program into the recording management information when there is a substantial match between the current time and the broadcast program start time so that the new broadcast program can be entered into the recording management information even when the controller is already managing recording of the current broadcast program.

Therefore, claims 3, 4, and 10 should be allowable over the combination of Shiga, Kinghorn, and Yuen.

Accordingly, it is submitted that the Examiner's rejection of claims 3, 4, and 10 based upon 35 U.S.C. §103(a) has been overcome by the present remarks and withdrawal thereof is respectfully requested.

Conclusion

In view of the foregoing, entry of this amendment, and the allowance of this application with claims 1-10 and 12-13 are respectfully solicited.

In regard to the claims amended herein and throughout the prosecution of this application, it is submitted that these claims, as originally presented, are patentably distinct over the prior art of record, and that these claims were in full compliance with the requirements of 35 U.S.C. §112. Changes that have been made to these claims were not made for the purpose of patentability within the meaning of 35 U.S.C. §§101, 102, 103 or 112. Rather, these changes were made simply for clarification and to round out the scope of protection to which Applicant is

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entitled.

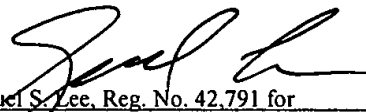
In the event that additional cooperation in this case may be helpful to complete its prosecution, the Examiner is cordially invited to contact Applicant's representative at the telephone number written below.

The Commissioner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account 50-0320.

Respectfully submitted,

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